

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-11420-PBS

MARK BROADLEY,
Plaintiff

vs.

MASHPEE NECK MARINA, INC.
Defendant

**JOINT MOTION TO AMEND FINAL PRE-TRIAL
ORDER AND CONTINUE TRIAL DATE**

The Parties request this Court to continue trial in the above captioned matter to a further date to be determined by this Court pending resolution of this case by the Court of Appeals for the First Circuit. In support of this motion the plaintiff states as follows:

1. On December 22, 2006 the First Circuit Court of Appeals entered judgment reversing and remanding the case. *Broadley v. Mashpee Neck Marina, C.A. No. 05-2822*
2. On January 5th, the Court granted the Motion for Extension of Time within which to file a petition for rehearing en banc until February 5th.
3. In the interim, this Court issued a final pre-trial order requiring expert disclosures in January; pre-trial disclosures in February, and jury instructions in early March.
4. The plaintiff strongly anticipates that the First Circuit Court of Appeals will grant the petition for rehearing en banc because of the language in this decision, indicating that it is "especially open in cases of this kind of petition for rehearing" and its observation that there is "poorly developed and confusing admiralty law in this arena".
5. Mandate has not issued from the First Circuit Court of Appeals.

Respectfully submitted for the Defendant,

Respectfully submitted for the Plaintiff,

/s/ John H. Bruno II
JOHN H. BRUNO II, ESQ.
MA SI & BRUNO
124 Long Pond Road, Unit 11
Plymouth, MA 02360
(508) 747-5277
B.B.O. # 542098

/s/ Thomas M. Bond
THOMAS M. BOND, ESQ.
THE KAPLAN/BOND GROUP
88 Black Falcon Avenue, Suite 301
Boston, MA 02210
(617) 261-0080
B.B.O. # 546649

Dated: January 23, 2007

